

IN RE:  
DANIEL RIVERA FEBRES

CASE NO. 14-04012-ESL

CHAPTER 13

XXX-XX-6362

DEBTOR (S)

### AMENDED TRUSTEE'S UNFAVORABLE REPORT ON PROPOSED POST CONFIRMATION PLAN MODIFICATION

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1329**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

<b>TOTAL ATTORNEYS FEES THRU PLAN: \$2,864.00    Fees paid: \$2,864.00    Fees Outstanding: \$0.00</b>
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With respect to the proposed (amended) Plan dated: **1/30/2016** (Dkt 28). Plan Base: **\$17,600.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- **Feasibility [§1325(a)(6)]: Default in payments to Trustee** - Under the proposed plan Debtor is **two (2) months, or \$400.00**, in arrears with the Trustee. **Next payment will become due on 5/19/16**, Debtors must show by definite and credible evidence that they can comply with payments as proposed.

- **Feasibility [§1325(a)(6)]: There is/are no allowed claim(s) for creditor(s) dealt in the plan [FRBP RULE 3021] -**  
**ORIENTAL BANK**, secured creditor provided for in the plan, is yet to file its proof of claim for post petition arrears . Said creditor will not participate from the disbursements regarding said arrears until it files its claim .

- **Feasibility [§1325(a)(5)]: Plan fails to provide for an allowed secured claim** - The plan fails to provide treatment for shares to **CARIBE FEDERAL (CL #3) and VAPR FEDERAL CREDIT UNION (CL #5)**, plan must be amended accordingly.

<strong>- [§1325(a)(5)(A)] Secured creditor(s) provided for in the Plan has/have NOT ACCEPTED the same - </strong> Please refer to objection for confirmation of this plan filed secured creditor **ORIENTAL BANK** on 5/2/16 docket #43 .

Trustee objects the additional compensation for legal fees requested by debtor' (s'') counsel in the amount of \$350.00 until above matters are solved.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same .

**CERTIFICATE OF SERVICE:** The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system .

In San Juan, Puerto Rico this May 09, 2016.

/s/ Jose R. Carrion

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MS - LC #7 - LD #45